

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-252 (MSG)
)	
MODERNA, INC. and MODERNATX, INC.)	
)	
Defendants.)	
<hr/> MODERNA, INC. and MODERNATX, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Counterclaim-Defendants.)	

DEFENDANTS’ OMNIBUS MOTION TO SEAL AND [PROPOSED] ORDER

Pursuant to the Protective Order (D.I. 91) as modified by the Court’s November 14, 2023 Order (D.I. 155), Defendants Moderna, Inc. and ModernaTX, Inc. (“Moderna”) respectfully move this Court for an order granting leave to file partially redacted versions of Plaintiffs’ Letter Brief in Support of Plaintiffs’ Motion for Leave to Amend Complaint and the exhibits thereto (collectively, “Plaintiffs’ Motion to Amend”) (D.I. 278); Plaintiffs’ Letter Brief in Support of Plaintiffs’ Motion to Compel and the exhibits thereto (collectively, “Plaintiffs’ Motion to Compel Bancel Documents”) (D.I. 285); Moderna’s Opposition to Plaintiffs’ Motion to Compel Bancel Documents and the exhibits thereto (collectively, “Moderna’s Bancel Opposition”) (D.I. 294); and Moderna’s Opposition to Plaintiffs’ 30(b)(6) Motion to Compel and the exhibit thereto (collectively, “Moderna’s 30(b)(6) Opposition”) (D.I. 302).

Moderna's motion and supporting papers redact for Moderna's confidential information in Plaintiffs' Motion to Amend and Exhibits A–D, F, J, and M–N; Plaintiffs' Motion to Compel Bancel Documents and Exhibits C–F and K–P; Exhibit T to Moderna's Bancel Opposition; and Exhibit 14 to Moderna's 30(b)(6) Opposition, which include, reference, and/or quote, Moderna's sensitive and confidential information. The grounds for the motion are set forth in Moderna's brief in support of this motion, as well as the Declaration of Don Parsons and the Declaration of Hamilton Bennett attached thereto. Redacted versions of these documents will be filed separately on the docket.

WHEREFORE, Moderna respectfully requests that the Court grant Moderna's motion and enter the enclosed order permitting Moderna to file a redacted versions of Plaintiffs' Motion to Amend; Plaintiffs' Motion to Compel Bancel Documents; Moderna's Bancel Opposition; and Moderna's 30(b)(6) Opposition.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Travis J. Murray

OF COUNSEL:

James F. Hurst
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000

Patricia A. Carson, Ph.D.
Jeanna M. Wacker, P.C.
Mark C. McLennan
Caitlin Dean
N. Kaye Horstman
Shaoyao Yu
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4679

Yan-Xin Li
KIRKLAND & ELLIS LLP
555 California Street, 27th Floor
San Francisco, CA 94104
(415) 439-1400

Alina Afinogenova
KIRKLAND & ELLIS LLP
200 Clarendon Street
Boston, MA 02116
(617) 385-7500

May 17, 2024

Jack B. Blumenfeld (#1014)
Brian P. Egan (#6227)
Travis J. Murray (#6882)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
began@morrisnichols.com
tmurray@morrisnichols.com

Attorneys for Defendants

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiffs and that plaintiffs do not oppose this motion.

/s/ Travis J. Murray

Travis J. Murray (#6882)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-252 (MSG)
)	
MODERNA, INC. and MODERNATX, INC.)	
)	
Defendants.)	
<hr/>		
MODERNA, INC. and MODERNATX, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Counterclaim-Defendants.)	

[PROPOSED] ORDER

The Court, having considered Moderna's Omnibus Motion to Seal (the "Motion"), IT IS
HEREBY ORDERED this ____ day of _____, 2024 that the Motion is GRANTED.

Leave is given for Moderna to file Plaintiffs' Letter Brief in Support of Plaintiffs' Motion
for Leave to Amend Complaint and the exhibits thereto (D.I. 278); Plaintiffs' Letter Brief in
Support of Plaintiffs' Motion to Compel and the exhibits thereto (D.I. 285); Moderna's Opposition
to Plaintiffs' Motion to Compel Bancel Documents and the exhibits thereto (D.I. 294); and
Moderna's Opposition to Plaintiffs' 30(b)(6) Motion to Compel and the exhibit thereto (D.I. 302)
in redacted form.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 17, 2024, upon the following in the manner indicated:

John W. Shaw, Esquire
Karen E. Keller, Esquire
Nathan R. Hoeschen, Esquire
Emily S. DiBenedetto, Esquire
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
*Attorneys for Plaintiffs Arbutus Biopharma
Corporation and Genevant Sciences GmbH*

VIA ELECTRONIC MAIL

Daralyn J. Durie, Esquire
Adam R. Brausa, Esquire
Eric C. Wiener, Esquire
Annie A. Lee, Esquire
Shaelyn K. Dawson, Esquire
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
*Attorneys for Plaintiff Arbutus Biopharma
Corporation*

VIA ELECTRONIC MAIL

Kira A. Davis, Esquire
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, CA 90017-3543
*Attorneys for Plaintiff Arbutus Biopharma
Corporation*

VIA ELECTRONIC MAIL

David N. Tan, Esquire
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, DC 20037
*Attorneys for Plaintiff Arbutus Biopharma
Corporation*

VIA ELECTRONIC MAIL

David I. Berl, Esquire
Adam D. Harber, Esquire
Thomas S. Fletcher, Esquire
Jessica Palmer Ryen, Esquire
Shaun P. Mahaffy, Esquire
Anthony H. Sheh, Esquire
Philip N. Haunschild, Esquire
Falcia Elenberg, Esquire
Jihad J. Komis, Esquire
Matthew W. Lachman, Esquire
WILLIAMS & CONNOLLY LLP
680 Maine Avenue S.W.
Washington, DC 20024
Attorneys for Plaintiff Genevant Sciences GmbH

VIA ELECTRONIC MAIL

/s/ Travis J. Murray

Travis J. Murray (#6882)